

IN THE HEALTH CARE ALTERNATIVE DISPUTE RESOLUTION OFFICE

[REDACTED]

[REDACTED]

Claimants

v.

SUSHIL RATTAN, MD

[REDACTED]

GREENBELT ENDOSCOPY CENTER, LLC

[REDACTED]

Health Care Providers

Case No: _____

CLAIM FOR MEDICAL MALPRACTICE AND LOSS OF CONSORTIUM

COME NOW, Claimants [REDACTED] and [REDACTED] by and through their undersigned counsel, file a Claim for Medical Malpractice against Dr. Sushil Rattan and Greenbelt Endoscopy Center, LLC, and state as follows:

PARTIES

1. Claimant [REDACTED], at all times relevant hereto, was a resident of the State of Maryland.

2. Claimant [REDACTED], at all times relevant hereto, was a resident of the State of Maryland. [REDACTED] are respectively husband and wife.

3. Defendant Sushil Rattan, MD (“Dr. Rattan”) is an adult resident of the State of Maryland and holding Physician-Medical Doctor license [REDACTED] issued on March 8, 2010.

4. Defendant Greenbelt Endoscopy Center, LLC (“GE Center”) is a limited liability company organized and existing under the laws of the State of Maryland that holds itself as “a top tier freestanding ambulatory surgical center under an experienced team of both providers and staff.” Upon information and belief, Dr. Rattan is a member of GE Center.

5. Dr. Rattan and GE Center fall under the definition of a health care provider. *See* Md. Code Ann., Cts & Jud. Proc. § 3-2A-01(f)(1).

FACTS

6. In September-October 2018, [REDACTED] was undergoing radiotherapy and chemotherapy treatment for Nasopharyngeal Cancer by her treating physician, [REDACTED].

7. Upon referral by [REDACTED], on or about October 24, 2018, [REDACTED] reported to the GE Center for a scheduled appointment with Dr. Rattan to receive a percutaneous endoscopic gastrostomy (“PEG”) placement. During this procedure, [REDACTED] was unconscious.

8. The placement of feeding gastrostomy tubes through a percutaneous endoscopic gastrostomy technique is a common procedure because of its simplicity and safety.

9. From 12:55 p.m. to 1:25 p.m., Dr. Rattan made 11 attempts--in other words, 11 perforations--into [REDACTED] abdominal wall and abdomen, but still was unable to successfully perform PEG. After 11 failed attempts Dr. Rattan elected to stop the procedure without successful PEG placement.

10. Following the failed procedure and 11 abdominal perforations, [REDACTED] was disoriented, vomiting and aspirating and started experiencing severe pain in her abdominal area.

11. At approximately 2:10 p.m., [REDACTED] was administered Fentanyl by the onsite anesthesiologist, [REDACTED]. [REDACTED] reported to [REDACTED] that her abdominal pain was at 10/10 level.

12. At about 2:30 p.m., ignoring the obvious red flags, Dr. Rattan discharged [REDACTED] without conducting any follow-up diagnostic study. However, despite her "discharge," [REDACTED] was permitted to remain on the premises of the GE Center to rest until her pain subsided.

13. [REDACTED] remained at the GE Center for two hours in agonizing pain before Dr. Rattan took any action. Finally, due to the severity of her pain and the lack of improvement, at about 4:30 p.m., Dr. Rattan decided to transfer [REDACTED] via ambulance to Doctors Community Hospital in Lanham, MD, where she was administered Morphine and Zofran for her pain, which was reported again at the 10/10 level.

14. Medical providers at Doctors Community Hospital observed all 11 "microperforations" made by Dr. Rattan and perceived "dried blood" in the area of the wounds. A CT scan of [REDACTED] abdomen and pelvic showed "a large amount of pneumoperitoneum" with "air along the greater curvature of the stomach" at the "site of the perforation" and "findings concerning for perforated viscus." [REDACTED] condition was deemed life-threatening and she was admitted to the hospital for immediate medical treatment.

15. On October 27, 2018, a second CT scan was done. It revealed "a large amount of pneumoperitoneum in the upper abdomen" and "mild air tracking in the mediastinum surrounding the distal esophagus." This finding was deemed "consistent with [a] perforated viscus." [REDACTED] was administered several bouts of antibiotic treatment and received a blood transfusion on October

27, 2018, for sepsis, and her condition was carefully monitored. [REDACTED] medical records show that she was in extreme pain and distress during this period.

16. In sum, [REDACTED] was hospitalized from October 24, 2018 to November 1, 2018. Her assessment included: "1) Gastric microperforations in a patient with PEG tube placement was attempted but unsuccessful, 2) Leukocytosis, related to peritonitis versus recent injection of Neulasta (resolved), 3) Nasopharyngeal cancer, on chemo radiation, and, 4) Dysphagia. " It was also noted that [REDACTED] had a PEG placement while at the hospital on October 29, 2018, before her discharge. Unlike Dr. Rattan's failed attempts, due to the straightforward and common nature of the procedure, PEG placement was successfully performed in one attempt at the hospital.

17. The outlined above actions of Dr. Rattan or GE Center, or both of them, caused severe physical injuries, medical injuries as defined in Md. Code Ann., Cts & Jud. Proc. § 3-2A-01(g) and conscious pain and suffering and inconvenience to [REDACTED].

18. Dr. Rattan or GE Center, or both of them, owed a duty to the [REDACTED] to render medical services in accordance with the standards of practice among members of the same health care profession with similar training and experience situated in the same or similar communities.

19. Dr. Rattan or GE Center, or both of them, breached this standard of care by, among other things, 1) failure to administer prophylactic antibiotic before the PEG procedure; 2) failure to adhere to the proper techniques of PEG placement and procedure; 3) making multiple perforations into [REDACTED] abdominal cavity during a routine PEG placement procedure, which resulted in the extravasation of gastric contents and air into [REDACTED] peritoneal cavity, and 4) failure to administer proper and adequate post-operative care.

20. As a direct and proximate result of the breach of the applicable standard of care by Dr. Rattan or GE Center, or both of them, [REDACTED] suffered pneumoperitoneum, peritonitis, sepsis,

leukocytosis, extreme pain and suffering, hospitalization, and delay in her cancer treatment. [REDACTED] radiation and chemotherapy treatment was suspended during her hospitalization. This delay in treatment negatively impacted her recovery from cancer. It suffices to say that this ordeal has had a profound and traumatic impact on [REDACTED] and her family, and severe detrimental consequences to [REDACTED] physical and mental health.

21. The harm and losses suffered by [REDACTED] were the direct, proximate result of the medical errors committed by Dr. Rattan or GE Center, or both of them.

22. [REDACTED] did nothing to cause their own injuries. They were not contributorily negligent and did not assume the risk of the harm that was done to them.

23. This claim exceeds the jurisdiction limit of the District Court of Maryland.

**Count I – Negligence – Medical/Professional Negligence
([REDACTED] against Defendant Sushil Rattan, MD)**

24. [REDACTED] repeats her allegations of the preceding paragraphs as if fully set forth herein.

25. Dr. Rattan did not do what a reasonable, ordinary doctor would do treating and rendering medical services to [REDACTED]. The subject “treatment” substantially deviated from the appropriate and applicable standard of care and caused severe physical injuries and conscious pain and suffering to [REDACTED].

**Count II – Negligence – Medical/Professional Negligence *via* Agency
([REDACTED] against Defendant Greenbelt Endoscopy Center, LLC)**

26. [REDACTED] repeats her allegations of the preceding paragraphs 1-25 as if fully set forth herein.

27. At the time of the medical services and treatment were rendered to [REDACTED], Dr. Rattan was employed by GE Center and he was acting within the scope of employment and agency with GE Center.

Count III – Loss of Consortium

([REDACTED] against Defendants Sushil Rattan, MD and Defendant Greenbelt Endoscopy Center, LLC)

28. [REDACTED] repeats his allegations of the preceding paragraphs 1-23 as if fully set forth herein.

29. Due to injuries described above and negligent actions of Defendant Sushil Rattan, MD or Greenbelt Endoscopy Center, LLC, or both of them, [REDACTED] did not fully participate in the marriage for over 4 months and, as such, [REDACTED] suffered the loss of society, affection, assistance, and conjugal fellowship, including loss or impairment of sexual relations.


REQUEST FOR RELIEF

WHEREFORE, Claimants [REDACTED] respectfully request to award:

- a. non-duplicative economic and non-economic damages sustained by them as a direct and proximate result of the acts and omissions described herein as determined by the trier of fact;
- b. costs of this action;
- c. grant other necessary and proper relief.

Respectfully submitted,

Date: July 1, 2021



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